REMARKS

This communication is in response to the outstanding Office Action in this matter, which was mailed on December 7, 2009 This is in response to the Office Action mailed on December 7, 2009 and the Notice of Non-Compliant Amendment mailed on May 12, 2010. The amendments in the claims have now been properly marked. In the Action claims 1-35 were pending and all of the pending claims were rejected. By this response, claims 1, 5, 10-11, 19, 22, and 24-35 are amended. Applicants respectfully submit that, in view of the claim amendments and remarks herein, claims 1-35 are in condition for Allowance.

Claim Rejections 35 U.S.C. § 112

Claims 1, 11, 19 and 24 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. Applicants respectfully disagree with the rejections.

The Office Action asserts that the specification fails to disclose "wherein the identification information for each entry in the index is provided to the index by the RFQ generator that generated the RFQ and stored the RFQ ... with which the entry is associated," which is recited in claim 1. However, Applicants submit that the specification does disclose the recited features at page 20, lines 4-21 of the specification, quoted below:

> Once the RFQ 312 is finalized and stored to the pre-designated data store location, RFQ generator engine 226 automatically sends index information to RFQ index mapping builder 222. This is indicated by block 316. The index information can include a wide variety of different information. For example, in a very simple case, the index information simply indicates that an RFQ is being published by a manufacturer. In that case, the RFQ is simply indexed as a location of the data store from which the entire RFQ template can be retrieved by suppliers. However, in an illustrative embodiment, the index information will at least contain some additional information which can be used to perform preliminary filtering criteria. For example, the index information may include the category and job description from the template, or any other desired information.

(Emphasis added.) The RFQ generator engine 226 discussed in the cited passage above is the same RFQ generator engine 226 that generated the RFQ. Note in FIG. 3 that the RFQ generator engine 226 is resident at the computer system of the exemplary bicycle manufacturer (*see also* Specification at page 14, lines 1-3). The RFQ generator engine is used to generate the RFQ (*see id.*) and provided identification information for an entry in the index, as is disclosed in the above cited passage.

The Office Action also asserts that the feature in claim 1 of "providing information requested in an RFQ template associated with the retrieved RFQ" is not supported in the specification. Applicants respectfully disagree. The following passage begins at page 24, line 15 of the current specification:

> However, if at block 340 it is determined that all of the filter criteria are met by the RFQ template, or at block 342 that the supplier wishes to respond to the RFQ template even though all of the detailed filter criteria were not met, then the RFQ reply engine 228 is used to prepare a reply to the downloaded RFQ template. This is indicated by block 344 in FIG. 6. Responding to the RFQ template will, of course, vary widely depending on the type of information requested on the RFQ template. However, some replies can easily be automatically be generated. For instance, if the RFQ template is simply seeking a quotation for an item which a supplier provides at a fixed price, the reply to the RFQ template can be generated automatically. One such illustration of this type of reply is, for example, if the manufacturer is simply requesting a price quotation for 1000 D-cell batteries from a battery supplier. The battery supplier may have standard prices for quotations of 1000 D-cell batteries, and thus the RFQ reply engine 228 can simply fill out the price and delivery terms associated with the RFQ template automatically, with no human intervention.

> Alternatively, the reply can be generated through manual intervention. In one embodiment, the reply includes the criteria from RFQ template and an indication as to whether the supplier can meet the criteria of any proposed modifications to the criteria. The reply may also include different or additional information as well.

Applicant respectfully submit that the specification discloses that generating a reply includes providing information requested an RFQ template associated with the retrieved RFQ. Applicants

therefore respectfully submit that claim 1 is supported by the specification and is in compliance with the written description requirement.

Likewise, claim 11 is believed to supported by the specification and thus in compliance with the written description requirement. The Office Action based its rejection on two phrases that were deleted from claim 11 via amendment in this communication, rendering the rejection moot.

The rejection of claim 19 centers around the phrase "the indexing information being provided by an RFQ generator at the requester that generated the RFQ." Applicants point to the text beginning at page 20, line 4 of the specification as evidence that the specification provides adequate support for claim 19. Claim 24 is rejected because of similar language, namely, "the index including entries each of which is provided by an RFQ generator that generated by the RFQ." Again, Applicants submit that claim 24 is supported by the specification with the language beginning at page 20, line 4 that is excerpted above. The RFQ generator that generates each RFQ also provides entries to the index. Applicants submit that this is clearly disclosed in the cited passage.

Withdrawal of the rejection is respectfully requested.

Claim 11 stands rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Applicants have amended claim 11 to remove the contested language, rendering the rejection moot. In addition, the Applicants submit that claim 11 refers to the response in the body of the claim. Applicants further submit that it is not necessary to specifically claim the response in the body of the claim, because the preamble merely recites soliciting a response and not actually receiving a response. One of ordinary skill in the art would appreciate that it is possible to solicit, or request, a response without actually receiving a response. Whether a response is actually received is not part of the computer implemented method of claim 11. While it is certainly true that a response may be received in response to the recited solicitation, receiving such a response is not actually part of the patentable subject matter. Therefore,

Applicants respectfully submit that a claim that is directed toward soliciting a response such as claim 11 can be and is definite without reciting the reception of a response.

Withdrawal of the rejection is respectfully requested.

Claim Rejections 35 U.S.C. § 101

Claims 1-23 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Of these claims, claims 1, 11, and 19 are independent claims and each has been amended to address the alleged deficiencies. In view of the claim amendments made herein, Applicants submit that claims 1-23 are directed toward statutory subject matter under 35 U.S.C. § 101. Withdrawal of the rejection is respectfully requested.

Claims 24-35 stand rejected under 35 U.S.C. § 101 as allegedly being directed to software, per se. Of these claims, claims 24 and 29 are independent claims. In view of the claim amendments made herein, Applicants submit that claims 24-35 are directed toward statutory subject matter under 35 U.S.C. § 101. Withdrawal of the rejection is respectfully requested.

Withdrawal of the rejection is respectfully requested.

Claim Rejections 35 U.S.C. § 103

Claims 1-6, 8-12, 15, 19-20, 23-29, and 32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,289,460 of Hajmiragha in view of U.S. Patent Publication Number 2002/0055888 of Beran et al (hereinafter "Beran"). Claims 1, 11, 19, 24, and 29 are independent claims. Applicants respectfully traverse the rejection.

Claim 1 is directed toward a method of responding to an RFQ by accessing an index heaving an entry for each of a plurality of RFQs. Each entry includes identification information related to the RFQ with which it is associated. Each of the RFQs is generated by an RFQ generator "that is resident at one of a plurality of requesters". Identification information for each entry in the index "is provided to the index by the RFQ generator that generated the RFQ and stored the RFQ at one of the plurality of data stores remotely located from the first data store with which the entry is associated". It is admitted in the Office Action that Hajmiragha fails to disclose that identification for each entry in the index is provided to the index by the RFQ

generator that generated the RFQ. Applicants respectfully submit, for at least the reasons discussed below that Beran fails to cure the deficiencies of Hajmiragha. Applicants respectfully point out that Beran discloses a system 100 that includes a centralized database 110 such that "[u]sers from multiple agencies 112 and vendors 114 are handled by the commerce system 100 and share the central database 110." (Beran, paragraph [0014].) The software modules discussed in FIG. 2 are resident at the centralized system and each "writes to or reads from the central database 110." (Beran, paragraph [0015].) If a vendor wishes to access the system applications, the vendor must login to the commerce system 100 (Beran, paragraph [0018].) Thus, the agency requisitioner module 208 that is discussed in paragraph [0022] and cited by the Office Action, is actually resident at the centralized system 100. Thus, Beran fails to disclose that requisitioner module 208 is resident at the requester. Furthermore, the Office Action points out that the requisitioner module 208 "enables the user to produce and transmit a request for the purchase of particular goods and services", which Applicant submits is not an index entry for an RFQ, but the RFQ itself. Because Beran discloses a system that stores information at a central data store, what is being sent to the system 100 is not an index entry, it is the entire RFQ. This teaches away from the method of claim 1, which recites that RFQs are stored at data stores that are remote from the first data store where the index is stored.

In addition, there is no apparent disclosure that the agency requisitioner module 208, even if it were resident on one of the plurality of data stores, actually provides the entry for the index. It appears that the "system" creates its own index. In paragraph [0026], Beran discloses that "the system" will translate an agency's designation of a particular RFQ into a form that allows the designation to be place "into its own index". In other words, an RFQ can be entered in by a vendor and submitted to the system 100. The system 100 will then extract information from the RFQ and convert it into a form that is acceptable for its index. Applicants respectfully submit that this disclosure expressly teaches away from the patentable subject matter of claim 1 – namely a method that has an RFQ generator that creates RFQ and stores them at data

stores remote from a first data store and then sends index entries to the first data store. For at least these reasons, Applicants submit that claim 1 is allowable over the cited references.

The Office Action uses a similar rationale for rejection claim 11 as that discussed above with respect to claim 1. More particularly, the Office Action again asserts that paragraphs [0022] and [0026] disclose "using the processor to send indexing information related to the RFQ template to an index remote from the computer system of the requester when the RFQ template is saved at the data store local to the requester". As above, Applicants submit that Beran fails to correct the admitted deficiencies of Hajmiragha. Instead, Beran discloses "a virtual single server and database" (Beran, paragraph [0004]), which is accessible by a number of different entities. However, all of the RFQs and any index thereof is stored in the centralized database. Furthermore, there is no indication that index entries are sent from a requestor to a first data store that are related to an RFQ stored at a local data store. Instead, Beran is a centralized system that creates an index from RFQs that are already uploaded and saved into the central database. Claim 11 recites that the indexing information identifies "the data store where the RFQ template is stored". There is no disclosure that the indexing information in Beran includes such information, which is to be expected, since all of the RFQs in Beran appear to be stored on the same centralized database. Applicants thus submit that claim 11 is allowable over the cited references.

Claim 19 is directed toward a computer implemented method that maintains an index of RFQs. The RFQs are stored at data stores local to the requestor. Indexing information is received from requestors for each RFQ that is stored at the requestor. As with claims 1 and 11, it is admitted that Hamiragha fails to disclose receiving indexing information of the type recited in claim 19. Applicants also respectfully submit that Beran does not disclose receiving the indexing information recited in claim 19. As discussed above, Applicants submit that Beran provides no disclosure of any sort of indexing information being received from requestors. Instead, Beran discloses receiving an entire RFQ from a vendor, via the vendor's access of a centralized system of software modules. The centralized system, then apparently analyzes the RFQ to select information therefrom by which the document can be added to an index.

Applicants respectfully submit that extracting a document number from an RFQ that has been transmitted to the central system is different from receiving indexing information. "Receiving indexing information" means that the information has been extracted from the document already. Beran discloses no such process. Furthermore, Beran does not disclose that the RFQs are stored at remote data stores and therefore does not disclose that indexing information includes "a location of the corresponding RFQ on the requester data store" as is recited in claim 19, because all of the RFQs in Beran are stored on a single, centralized database. In fact, the Applicants can find no specific assertion in the Office Action that either of Beran or Hamiragha disclose this particular feature. For at least these reasons, Applicants submit that claim 19 is allowable over the cited references.

Claim 24 is directed toward a computer implemented system for responding to a request for a supplier quotation (RFQ) generated by at least one requester and indicative of terms for delivery of goods or services by the supplier. The system includes an RFQ reply engine for accessing an index of RFQs stored on a data store, the index including entries each of which is provided by an RFQ generator that is resident on the computer system at the requestor. The Office Action asserts that Beran teaches the cited features related to providing index entries to the index, but Applicants once again submit that Beran does not disclose an RFQ generator that is resident at a requestor's computer system that generates the RFQ and sends an index entry to a index that is located remote from the requestor. Beran instead discloses a centralized system that generates and stores RFQs in a single database, and scans the stored RFQs to retrieve indexing information. There is no indication that one module in Beran both generates the RFQ and also transmits the indexing entry from a requestor to a data store. Thus, Applicants submit that claim 24 is allowable.

Claim 29 is directed toward a computer implemented system for soliciting a response to a request for supplier quotation (RFQ), the RFQ being generated by a requester. The system includes an RFQ generation engine that receives the job information into a predetermined

RFQ template, saves the RFQ template at a predetermined location in a data store on a computer storage medium local to the requester and collects and sends indexing information for computer implemented indexing of the RFQ template at an index on a remote computer system without prompting from the remote computer system. The Office Action relies on Beran to assert that the combination of references discloses the features of collecting and sending indexing information of the RFQ template to an index at a remote computer system. However, as discussed above, Applicants submit that Beran fails to disclose sending indexing information from a requestor to a remote computer system. The system recited in claim 29 recites an RFQ generation engine that both saves the RFQ template and collects indexing information for indexing the RFQ template. Furthermore, the RFQ generation engine sends the indexing information to a remote computer system. Applicants respectfully submit that Beran does not disclose these features, but rather appears to disclose receiving RFQs at a centralized system and storing the RFQs on a centralized database. Furthermore, any mention of indexing in Beran appears to be performed only after the RFQ has been stored in the centralized database. Applicants therefore submit that Beran does not cure the deficiencies of Hajmiragha and claim 29 is allowable over the cited references.

The remaining claims rejected under the combination of Hajmiragha and Beran are dependent on one of the independent claims discussed above and are likewise believed to be allowable. Withdrawal of the rejection is respectfully requested.

Claims 13-14, 21-22, and 30-31 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,289,460 of Hajmiragha in view of Beran and further in view of U.S. Patent Publication Number 2002/0052807 of Han et al. (hereinafter "Han"). Each of these claims depends from one of the independent claims discussed above. Applicant submits that each of these claims depends from an allowable base claim and are therefore also allowable. Withdrawal of the rejection is respectfully requested.

Claims 7, 16-18, and 33-35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Number 6,289,460 of Hajmiragha in view of Beran and

further in view of U.S. Patent Number 7,110,976 of Heimermann et al. Each of these claims depends from one of the independent claims discussed above. Applicant submits that each of these claims depends from an allowable base claim and are therefore also allowable. Withdrawal of the rejection is respectfully requested.

Summary

All of the pending claims are in condition for Allowance. Applicants respectfully request Reconsideration and Allowance of the pending claims. The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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